

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0661

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMUEL AARON BELANGER,

Defendant and Appellant.

FILED

AUG 02 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until September 8, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 2nd day of August, 2010.

STEVE BULLOCK
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: *Sheri K. Sprigg*
SHERI K. SPRIGG
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Sheri K, Sprigg, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Services Bureau, as an Assistant Attorney General.

2. In my capacity as Assistant Attorney General, I was assigned to handle the above-entitled matter on June 29, 2010.

3. The State's opening brief was first due on July 8, 2010. The brief is presently due on August 9, 2010. Since this is a second request for extension, it is filed seven days before the expiration of the time for filing the State's brief, pursuant to M. R. App. P. 26(2).

4. Due to a heavy workload, I cannot meet the present deadline for filing the State's response brief and request an additional thirty (30) days, until September 8, 2010, to do so. My workload is and has been as follows:

(a) Supreme Court Update

 -- Compiled written summaries of relevant Montana Supreme Court decisions during the past year into a Supreme Court Update for the use of county attorneys, completed July 2, 2010.

-- Gave a speech to the county attorneys highlighting key decisions of the Court during the past year, July 7, 2010.

(b) Coluccio v. Montana, No. CV 10-64-M-DWM-JCL (Federal Habeas), Exhibits filed upon order of the federal district court, July 16, 2010.

(c) State v. St. Dennis, No. DA 09-0284, Oral argument on July 28, 2010.

(d) State v. Wright, No. DA 10-0026, Appellee's Brief due on August 30, 2010.

5. In addition, I have been on leave due to holidays, vacation (in order to handle a pro bono case), or medical reasons for two days in the previous month.

6. I will work diligently to complete the matter in the time requested.

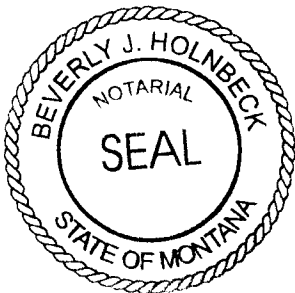
7. Opposing counsel has been contacted concerning this motion and does not object.

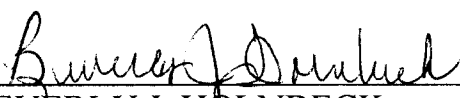
8. Further your affiant sayeth naught.



SHERI K. SPRIGG

SUBSCRIBED AND SWORN to before me this 2nd day of August, 2010.





BEVERLY J. HOLNBECK
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires April 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time to be mailed to:

Ms. Coleen Magera
Sanders County Attorney
P.O. Box 519
Thompson Falls, MT 59873-0519

Mr. Koan Mercer
Assistant Appellate Defender
(Hand-delivered into the wire basket located in the
reception area in the Attorney General's Office,
215 North Sanders, Helena, MT 59620.)

DATED: Aug. 2nd, 2010 Kim Wallitz